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SUBJECT: BURKINA FASO: WORST FORMS OF CHILD LABOR INFORMATION

REF: STATE 127448

¶1. Post has collected, to the extent possible, information in response to reftel request on the worst forms of child labor:

A) Laws and regulations proscribing the worst forms of child labor:

-What laws have been promulgated on child labor?

- the UN Convention on Children's Rights;
- the African Charter on Children's Rights and Welfare;
- the Hague Convention on the Civil Aspects of International Child Kidnapping;
- the Convention on International Cooperation concerning International Adoption; and
- ILO Conventions 182 and 138.

-What is the country's minimum age for admission to work?

- The minimum age for employment is 16 and while not enforced, the statutory minimum schooling age is also 16.

-Are there exceptions to the minimum age law?

- There are no exceptions to this law.

-What is the minimum age for admission to hazardous work, and what additional provisions has the country enacted regarding children's involvement in hazardous work?

- The law sets the minimum age for employment at 16 years and prohibits children under 18 from working at night except in times of emergency. The law defines and prohibits the worst forms of child labor and hazardous work for children following ILO Convention 182. Although the Cabinet has yet to adopt the list of occupations considered to be the worst forms of child labor and hazardous work, this list includes the following: mining, quarry operation, night club operation, commercial sex work, drug production, sale, and smuggling, and construction work. Furthermore, slavery of any kind, to include serfdom, forced labor, physical and psychological torture of children, the use of children in armed conflicts, and work requiring the handling of flammable or toxic products is strictly prohibited.

-What laws have been promulgated on the worst forms of child labor, such as forced child labor and trafficking or child prostitution and pornography?

- The law sets the minimum age for employment at 16 years and prohibits children under 18 from working at night except in times of emergency. The law defines and prohibits the worst forms of child labor for children following ILO Convention 182. The Labor Code forbids slavery and slavery-like practices, inhumane and cruel treatment, and physical or emotional abuse of children. The law also prohibits child trafficking, forced and compulsory labor, the use of children in pornographic activities, and the production and sale of drugs.

- Violations of minimum age and forced labor laws are subject to imprisonment of up to 10 years, and violations of laws prohibiting the worst forms of child labor are governed by the penalties set

forth by the May 2008 anti-trafficking in persons legislation. This law prohibits trafficking in adults as well as children for sexual exploitation, labor, and other related practices. It increases maximum prison terms for child traffickers from five to 10 years and allows terms as high as 20 years or life imprisonment under certain conditions. The law also prohibits slavery, inhumane treatment, mistreatment of children and adults, kidnapping, and violence.

-What is the country's minimum age for military recruitment?

-- The minimum age for voluntary recruitment into the military is 20 years, and for compulsory recruitment is 18 years.

-If the country has ratified Convention 182, has it developed a list of occupations considered to be worst forms of child labor, as called for in article 4 of the Convention?

-- Burkina Faso ratified the ILO Convention 182 in 2001. Although it has not yet been formally adopted, the Cabinet considered the following list of occupations to be the worst forms of child labor and hazardous work: mining, quarry operation, night club operation, commercial sex work, drug production, sale, and smuggling, and construction work. Furthermore, slavery of any kind, to include serfdom, forced labor, physical and psychological torture of children, the use of children in armed conflicts, and work requiring the handling of flammable or toxic products is strictly prohibited.

B) Regulations for implementation and enforcement of proscriptions against the worst forms of child labor:

-What legal remedies are available to government agencies that enforce child labor and worst forms of child labor laws (civil fines, criminal penalties, court orders), and are they adequate to punish and deter violations?

--Violations of minimum age and forced labor laws are subject to imprisonment of up to 10 years, and violations of laws prohibiting the worst forms of child labor are governed by the penalties set forth by the anti-trafficking in persons legislation. This law prohibits child trafficking for economic or sexual exploitation, or any other purpose that is harmful to a child's health, well-being, or physical or mental development. It also punishes illegal adoption; early or forced marriage, increases maximum prison terms for child traffickers from five to 10 years and allows terms as high as 20 years or life imprisonment under certain conditions, and also prohibits slavery, inhumane treatment, mistreatment of children and adults, kidnapping, and violence.

- To what extent are complaints investigated and violations addressed?

-- The national police, gendarmes, customs service, and labor inspectors are responsible for investigating reports of illegal child labor. The President of the Labor Tribunal decides if a case merits submission to a prosecutor.

-- Embassy contacts said it was rare to see complaints levied against employers and knew of no cases where such complaints existed and were investigated.

-What level of resources does the government devote to investigating child labor and worst forms of child labor cases throughout the country? How many inspectors does the government employ to address child labor issues? How many child labor investigations have been conducted over the past year? How many have resulted in fines, penalties, or convictions?

-- The government's limited resources do not permit it to adequately investigate child labor cases throughout the country. It currently employs 39 labor inspectors, including nine women, and 16 labor controllers. Although there is one labor inspector in each of the country's 13 regions who acts as a focal point for child labor issues, none of these inspectors and controllers is specifically dedicated to addressing child labor issues. Post is unaware of any inspection or investigation over the past year that has resulted in convictions or the imposition of fines or other penalties.

-Has the government provided awareness-raising and/or training

activities for officials charged with enforcing child labor laws?

-- Yes. The government, in cooperation with NGOs, UNICEF and IPEC, has organized campaigns, workshops, and seminars focusing on child trafficking and child labor. In addition, the Government made public announcements against child trafficking and child labor on the occasion of the celebration of the June 12 World Day Against Child Labor. The Government co-sponsored a short documentary film on child labor, both for sensitization purposes, but also to highlight the sanctions for violating child labor laws.

C) Whether there are social programs specifically designed to prevent and withdraw children from the worst forms of child labor.

-What initiatives has the government supported to prevent children from entering exploitive work situations, to withdraw children engaged in such labor, and to advocate on behalf of children involved in such employment and their families? These initiatives could include cash transfer programs that specifically target families with working children to enable children to leave work and enter school, establishment of shelters for child trafficking victims, or other programs. Since the focus of the report is on government efforts, reporting is requested on initiatives carried out either by the government or by NGOs, but with government support. (If possible, please provide information on funding levels for such initiatives.)

-- The GOBF has worked with international donors and NGOs to address the root causes of child labor and to inspect labor facilities and operations according to national labor laws. The GOBF has also worked on programs to remove children from the worst forms of child labor. The GOBF also works with the ILO through its International Program for the Elimination of Child Labor (IPEC).

-- The government, through IPEC funding, has produced and distributed documentaries on child labor in the mining and domestic sectors. It also produced a TV series on child labor. Also through IPEC and UNICEF funding, the Ministry of Social Action has started a program to establish watch committees in provinces in which child trafficking and labor are problematic.

D) Does the country have a comprehensive policy aimed at the elimination of the worst forms of child labor?

-Does the country have a comprehensive policy or national program of action on child labor or specific forms of child labor? Does the country incorporate child labor specifically as an issue to be addressed in poverty reduction, development, educational or other social policies or programs, such as Poverty Reduction Strategy Papers, etc. If so, to what degree has the country implemented the policy and/or program of action and achieved its goals and objectives?

-- Unlike the national program of action on child trafficking that was adopted in 2007, the GOBF has not yet adopted the one on child labor. Burkina Faso is one of the ECOWAS signatory countries of the agreement to fight against trans-border child trafficking for work purposes. In Ouagadougou, in 2004, the Government of Burkina Faso and the Government of Mali signed a bilateral agreement of cooperation to fight against trans-border child trafficking for work purposes. The agreement took into account most known international conventions or legal instruments, including the African Charter on Human Rights and Children's Rights and Welfare, and the ECOWAS Convention on the Freedom of Movement of People and Their Property, which intended to protect and promote children's rights and ensure their welfare. Both signatory countries agreed to work in the areas of prevention, protection, suppression, partnership, repatriation, reintegration, law enforcement, and extradition of child traffickers.

-Is education free in law and in practice? Is education compulsory in law and in practice?

--Although the law calls for compulsory education, widespread and dire poverty drives many children to seek employment. Government school infrastructures are insufficient to accommodate all those who are supposed to go and study until they are 16. Most families cannot afford school fees for all or even some of their children.

While the government pays education costs in principal, in practice communities are frequently responsible for the construction of primary schools and teachers' housing. The cost of transportation for both primary and secondary schooling and cost of school uniforms are also prohibitively expensive for many families. High schools are typically located in provincial capitals; students from rural areas who wish to study beyond the primary level must pay for lodging at a boarding house.

E) Is the country making continual progress toward eliminating the worst forms of child labor?

-Posts are asked to indicate in what sectors/work activities/goods are children involved and how has this changed over the past year.

--Children work in agriculture the informal sector (such as street vendors, domestic work, and work in the mining industry as "mues"). Although working children come from all ethnic, gender, and religious groups; however, children in Burkina Faso from the Dafing (west), Samo (northwest), and Dogon (northwest Burkina Faso and southern Mali), Lobi and Dagari (south-West) ethnic groups are more involved in child labor. This trend has not changed in recent years. The most recent government study was conducted in 2006.

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